

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JORDAN DEAN WENHOLD,

Plaintiff,

v.

C.O. MARKLE,

Defendant.

No. 4:22-CV-00985

(Chief Judge Brann)

ORDER

AND NOW, this 7th day of November 2023, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Defendant Corrections Officer Robert Markle's motion (Doc. 18) for summary judgment pursuant to Federal Rule of Civil Procedure 56 is **GRANTED**.
2. The Clerk of Court is directed to enter judgment in favor of Markle and against Plaintiff Jordan Dean Wenholt as to Wenholt's Section 1983 Eighth Amendment excessive force claim.
3. Wenholt's state-law negligence claim is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted, as it is barred by state statutory sovereign immunity.
4. The Clerk of Court is further directed to **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge